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10/053,184	11/09/2001	Yuji Furuta	P/3281-10	6062

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EXAMINER

REKSTAD, ERICK J

ART UNIT PAPER NUMBER

2613

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/053,184

Applicant(s)

FURUTA, YUJI

Examiner

Erick Rekstad

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-8 and 11-14 is/are allowed.
- 6) ☒ Claim(s) 1, 9, 10 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is a Final Rejection for application 10/053,184 in response to the amendment filed on December 30, 2004 in which claims 1-15 are presented for examination.

#### ***Response to Arguments***

Applicant's arguments filed December 30, 2004 have been fully considered but they are not persuasive.

In regards to the Applicant's arguments related to the rejection of claims 1,9 and 10 in view of Eifrig, the Applicant argues Eifrig does not teach the second storing means. As stated in the rejection, Eifrig teaches the secondary storing means (340-344, Fig. 3a). The secondary storing means stores a plurality of second data to be not processed as required by the claims. Further the applicant argues the secondary storing means stores data of the non-video elementary data portion from the V-ES detecting section and information regarding the video elementary data portion corresponding with block types and in order of input. As shown in the claims 1 and 9, this requirement is absent and therefore not required by the claims.

In regards to the Applicant's arguments related to the rejection of claims 1, 9 and 10 in view of Adolph, the Applicant argues that Adolph does not teach the use of a second storage unit. As stated in the previous Office Action, Adolph teaches video processor as shown in Figure 1. The Office Action further states it would have been obvious to us a buffer (BUPAR) in the audio data processor as Adolph teaches the buffer in the detailed processor for video. As such, it was

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suggested that it is well known in the art to use a buffer in video, audio or system data processing and should have been an Official Notice. The Applicant's arguments against the obviousness of a buffer in the audio processing is taken as a request for proof of the obviousness in the to use a buffer in a well known prior art audio processing system. US Patent 5,287,182 to Haskell et al. teaches the use of a buffer in an audio processing system (Fig. 2).

Further the applicant argues that a demultiplexer does not divide the MPEG data into a first data block having a plurality of first data and a second data block having a plurality of second data. As shown in Figure 1, the demultiplexer divides the incoming MPEG stream into its video, audio and system components. The system is further used with MPEG1 or MPEG2 streams which are known in the art to be made up of blocks.

### ***Claim Objections***

Claim 15 objected to because of the following informalities: The claim states "dividing said data steam" the claim should state "dividing said data stream". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 15 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: The storing of the non-video data in the primary store. This step is required in order to perform the "storing data length of said video data and said non-video data written in said primary store in order of said data stream being input into a secondary store" of claim 15.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,748,020 to Eifrig et al.

[claims 1 and 9]

As shown in Figure 3a, Eifrig teaches an MPEG data processing circuit which processes inputted MPEG data to produce outputted MPEG data, comprising:

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dividing means (306) which divide said inputted MPEG data into a first data block having a plurality of first data to be processed and a second data block having a plurality of second data to be not processed;

primary storing means (310-314) which store said a plurality of first data to be processed;

secondary storing means (340-344) which store the numbers of said first data stored in said primary storing means or said a plurality of second data to be not processed;

primary extracting and partially replacing means (304, 320, and 302) which extract said a plurality of first data to be processed from said primary storing means in accordance with an order of said inputted MPEG data and which partially replace a predetermined data portion of the extracted first data; said primary extracting and partially replacing means producing a primary data block;

secondary extracting means (340, 342, 344) which extract said a plurality of second data to be not processed from said secondary storing means in accordance with an order of said inputted MPEG data to produce a secondary data block (Col 9 Line 15-3);

and combining means (336) which combine said primary data block and said secondary data block with each other in an original order to produce said outputted MPEG data (Col 7 Line 63-Col 8 Line 50).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,081,295 to Adolph et al.

[claims 1 and 9]

As shown in Figure 1, Adolph teaches an MPEG data processing circuit which processes inputted MPEG data to produce outputted MPEG data, comprising:

dividing means (DMX) which divide said inputted MPEG data into a first data block having a plurality of first data to be processed and a second data block having a plurality of second data to be not processed;

primary storing means (BUPAR) which store said a plurality of first data to be processed;

primary extracting and partially replacing means which extract said a plurality of first data to be processed from said primary storing means in accordance with an order of said inputted MPEG data and which partially replace a predetermined data portion of the extracted first data; said primary extracting and partially replacing means producing a primary data block;

secondary extracting means (ADP or SDP) which extract said a plurality of second data to be not processed from said secondary storing means in accordance with an order of said inputted MPEG data to produce a secondary data block;

and combining means (MX) which combine said primary data block and said secondary data block with each other in an original order to produce said outputted MPEG data (Col 1 Lines 10-25, Col 2 Line 47-Col 3 Line 62).

Adolph does not specifically teach secondary storing means which store the numbers of said first data stored in said primary storing means or said a plurality of second data to be not processed. Adolph does teach the buffer (BUPAR) for use in the video processor portion of the circuit, as shown in Figure 1. It would have been obvious to one of ordinary skill in the art at the time of the invention that the audio processor would contain a buffer as Adolph teaches the use of a buffer in a processor used to process a part of the mpeg stream.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eifrig.

[claim 10]

Eifrig teaches the method of claim 9 as shown above. Eifrig teaches the use of an audio delay. Eifrig further teaches the remux does not need to contain video (Col 27 Lines 58-65). Eifrig does not specifically teach when the data from the audio delay (340-344) is written. It would have been obvious to one of ordinary skill in the art at the time of the invention that the audio delay could delay for a certain time period independent of the video (Official Notice).



***Allowable Subject Matter***

Claims 2-8, 11-13 and 14 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 2-8 and 11-13 include novel and unobvious features in that the examiner was unable to find in several prior art searches. US Patent 6,081,295 to Adolph et al. teaches a generic MPEG data processing circuit which processes inputted MPEG data to produce outputted MPEG data. Adolph does not teach the specifics of claim 2. Claim 2 requires a V-ES detecting section, a barrel shifter, a VLD, a data replacing section, VLE, a bit packer, a data combining section, a control section, and a memory control section. These features embodied in one circuit as described in the claim teach over the prior art. These features taken with the others in the claims define over the prior art.

Claim 14 includes novel and unobvious features in that the examiner was unable to find in several prior art searches. Specifically, the claim requires a second store that stores data length of said video data written in said primary store and said non-video data in order of said data stream being input. These features taken with the others in the claim define over the prior art.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Rekstad whose telephone number is 571-272-7338. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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